

## MORNING BUSINESS

Mr. COLEMAN. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# UNANIMOUS CONSENT REQUEST— S. 1691

Mr. FEINGOLD. Mr. President, I want to speak today about S. 1691, the Wartime Treatment Study Act. During World War II, the United States fought a courageous battle against the spread of Nazism and fascism. Nazi Germany was engaged in the horrific persecution and genocide of Jews. By the end of the war, 6 million Jews had perished at the hands of Nazi Germany.

The Allied victory in the Second World War was an American triumph, a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans. But we should not let that justifiable pride in our Nation's triumph blind us to the treatment of some Americans by their own government.

Sadly, as so many brave Americans fought against enemies in Europe and the Pacific, the U.S. Government was in some cases curtailing the freedom of some of its own people here, at home. While, it is, of course, the right of every Nation to protect itself during wartime, the U.S. Government can and should respect the basic freedoms that so many Americans have given their lives to defend. Of course, war tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the Constitution.

Many Americans are aware of the fact that, during World War II, under the authority of Executive Order 9066, our Government forced more than 100,000 ethnic Japanese from their homes into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities. They were held behind barbed wire and military guard by their own government.

Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this unfortunate episode in our history

finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

While I commend Congress and our Nation for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, our work in this area is not done. We should also acknowledge the mistreatment experienced by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees.

Most Americans are probably unaware that during World War II, the U.S. Government designated more than 600,000 Italian-born and 300,000 German-born U.S. resident aliens and their families as "enemy aliens."

Approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps. Some even remained interned for up to 3 years after the war ended. Unknown numbers of German Americans, Italian Americans, and other Europeans Americans had their property confiscated or their travel restricted, or lived under curfews.

S. 1691 would not grant reparations to victims. It would simply create a commission to review the facts and circumstances of the U.S. Government's treatment of German Americans, Italian Americans and other European Americans during World War II.

A second commission created by this bill would review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. German and Austrian Jews applied for visas, but the United States severely limited their entry due to strict immigration policies, policies that many believe were motivated by fear that our enemies would send spies under the guise of refugees and by the unfortunate anti-foreigner and anti-Semitic attitudes that were, sadly, all too common at that time.

It is time for the country to review the facts and determine how our restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete an accounting of this period in our Nation's history.

Let me repeat that the bill I have introduced, along with Senator GRASSLEY, does not call for reparations. All it does is ensure that the public has a

full accounting of what happened. I believe that is the right and, yes, the patriotic thing to do. It is patriotic to ensure that the Government owns up to its mistakes. We should be very proud of our victory over Nazism, as I certainly am. But we should not let that pride cause us to overlook what happened to some Americans and refugees during World War II. I urge my colleagues to join me in supporting the Wartime Treatment Study Act.

The Judiciary Committee has reported this bill favorably. It has been cleared by my Democratic colleagues. Unfortunately, someone on the other side of the aisle has placed a hold on the bill. This anonymous person or persons are unwilling to identify themselves or to explain the reasons for the hold. I think some Republican colleagues have been trying to figure out for me what the problems is. Frankly, I find it hard to imagine why someone would object to a fairly straightforward, non-controversial bill such as this. So, Mr. President, I will try again.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 309, S. 1691, a bill to establish commission, to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish Refugees during World War II, that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM of South Carolina. Mr. President, reserving the right to object, I have been informed that our leadership is working on a method for this proposal to move forward. I admire what the Senator is doing on a personal basis. With that understanding, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I know the Senator from South Carolina was a supporter of this legislation in committee, and he is doing what he must do in representing that side of the aisle.

I am disappointed that there is an objection to moving this bill. The Judiciary Committee has now reported this bill favorably to the floor on two occasions—last Congress and again this Congress. I would like to know what their concerns are. So far, we have never heard a substantive objection. There is a secret hold being used here. That is unfortunate. This bill is long overdue. It is not controversial. In fact, I specifically was promised by the chairman of the Judiciary Committee late in the 106th Congress, when I was hoping the issue of German Americans would be linked to a bill going through Congress on Italian Americans. I was assured this was not controversial and

this would be taken care of. Nonetheless, this has occurred. There is no reason the Senate should not take up and consider this bill without further delay.

Again, had the representative of the majority stayed, I would have asked whether there was a time when they would expect to be ready for action. I will find other ways to ask the other side to work with me to pass the bill. I took the comments of the Senator from South Carolina in good faith that he has spoken to the leadership and that they are willing to work with us. I hope we can sit down and work this out as soon as possible to ensure that the U.S. Government accounts for what happened so many years ago.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

#### THE CAROLINA PANTHERS

Mrs. DOLE. Mr. President, when Jerry Richardson founded the Carolina Panthers 9 years ago, he said his goal was to be in a Super Bowl within 10 years. After upsetting the Philadelphia Eagles recently, this dream has become a reality. But the dream is not over, of course. There is one more hurdle the Panthers must clear.

Today I salute Jerry, Coach John Fox, and the Panthers players for giving North Carolinians a season with a fairy tale ending. When Coach Fox arrived in 2002, the Carolina Panthers were 1 and 15. This turnaround has been nothing short of miraculous, and it is not just the fact that the Panthers have made it to the Super Bowl but how they got to Houston.

The Panthers are called the "Cardiac Cats" because 10 of their victories have been achieved by 6 points or less, and they have won 4 of their 5 overtime games this season.

All over the State, "Go Panthers" signs adorn buses, mailboxes, and cars, and those black and blue jerseys have become the fashion craze of the day. Even Coach Fox had to comment on the groundswell of fan support after about 10,000 of them—10,000, Mr. President—showed up on a blustery day as the team left for Houston. "It makes you proud," he said.

Charlotte Observer columnist Danny Romine Powell wrote recently:

A team has transformed a city into Mount Olympus. We're eating ambrosia with the gods.

How true, indeed. I want the Panthers to know that this Senator is coming to Houston, and I can't wait to watch the "Cardiac Cats" shock the world with a victory. In fact, I have

challenged my friend and colleague, Senator TED KENNEDY, to a friendly wager. I am putting up our famous North Carolina barbecue against his New England clam chowder.

I love something that Coach Fox tells his team each week. He says:

We will define ourselves. No one else is going to do that for us.

It is a motto that stands true for all of North Carolina. Earlier this week, late night host David Letterman cracked:

Who knew Carolina had a team.

I daresay that after Sunday the world will know.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICA'S INTELLIGENCE-GATHERING APPARATUS

Mr. DORGAN. Mr. President, this morning and part of this afternoon Mr. David Kay who was the top U.S. weapons inspector in Iraq until he resigned last week testified before the Armed Services Committee.

Mr. Kay has been interviewed extensively on media programs, including the "Today" show, and interviewed by Reuters, and others, so I have read a substantial amount of what he has said. And I listened today to his testimony, at least in part, before the Senate Armed Services Committee.

The debate that has gone on, and I suspect the debate that will ensue from his testimony today, will perhaps be a debate about whether the right decision was made when this country decided to embark on this mission in Iraq with United States troops, which has resulted in the elimination and removal of Saddam Hussein as President of that country. In many ways, I think that is not the most relevant debate to have at this moment. I think the debate to have at this moment is on what the implications of what Mr. Kay has said to us are for the safety and the security of this country, and what its implications are for the ability of this country to understand where dangers exist around the rest of the world, and where our national security is at stake.

Let me see if I can paraphrase some of what Mr. Kay has said. He told the Armed Services Committee that the failure to turn up weapons of mass destruction in Iraq has exposed weaknesses in America's intelligence-gathering apparatus.

Is there a time in which our intelligence-gathering apparatus has been more important to this country than this particular time?

In the shadow of 9/11/2001, with the prospect of terrorists wanting again to commit an act of terror in this country, we are required to accept the judg-

ment of our intelligence community: the best intelligence we have available to us that this is a threat or that is a threat. Now Mr. Kay says that what we believed about Iraq's weapons was almost all wrong. And I certainly include myself here. And he says the intelligence community has failed, quote, unquote, the President.

Well, look, if the intelligence community has failed—and it seems clearly to have failed in a significant way—then it has failed not only the President of the United States, it has failed this Senate, and it has failed the people of the United States.

I, and all of my colleagues, have sat in the Intelligence Committee room here in the Senate. That very special room, which is designed for top secret briefings, is a room in which all of us have had top secret briefing after top secret briefing from CIA, from Condoleezza Rice, the National Security Adviser, and from others. In that room, eyeball to eyeball with our intelligence community, we have been told certain things that they believe to be true with respect to a threat—the threat from Iraq, the threat of weapons of mass destruction, and others.

If, in fact, there is a failure—and it appears to me that there is a failure; the top weapons inspector says there is a failure—if that failure exists—and it does—then it is a failure not just for the President of the United States, it is a failure for this country and for this Senate.

All of us, then, had been told, face to face by our intelligence community, what they expected to be the case in Iraq, and it turns out not to be the case.

Now, do people have a right to be wrong? Yes, they do. But we spend billions and billions and billions of dollars on intelligence, and if this country—in the aftermath of the terrorist attacks of 9/11, and confronting the prospect of future terrorist attacks—does not have an intelligence community that gives us great confidence, then we are in trouble.

I would think the President, and certainly this Congress, should demand to know what happened. We ought to seek answers. There has to be accountability. Where does the buck stop?

If, in fact, we have had a failure of our intelligence community—again, not my words, the words of Mr. David Kay, the top weapons inspector; words he uttered today before the Armed Services Committee, words he uttered in interview after interview—if there is, in fact, a failure, then we ought to demand immediately to understand: What was the failure? How did it occur? Whose responsibility was it? And, most importantly, how do we fix it on an urgent basis?

Let me read some of the quotes. I will not read the quotes from today's hearing because I do not have them all, although I was able to listen to much of the hearing.

But this is from Mr. Kay's appearance on the "Today" show, which I